

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated April 9, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-11 are pending in the Application. Claims 10 and 11 are added by this amendment.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

By means of the present amendment, the current Abstract is deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-9 are amended for non-statutory reasons, such as for better form including beginning the dependent claims with "The" instead of "A", changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-9 are not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claim 6 is rejected under 35 U.S.C. §112, second paragraph, because the claimed angle is set forth in terms of inches rather than degrees. Claim 6 is amended to include degree symbols. Accordingly, it is respectfully submitted that claim 6 is in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, claims 1-6 and 9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 1,115,328 ("Murran"). Further, claims 1-6 and 9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 2,077,367 ("Hanley"). Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Murran and Hanley, each taken separately. It is respectfully submitted that claims 1-9 are allowable over Murran and Hanley for at least the following reasons.

Murran discloses a hedge trimming apparatus having a base 5 forming a guard 7 (see, FIG. 1) provided with teeth 11 (see, lines 59-61). The apparatus further includes a cutter 6, having a fixed relation to the base and having teeth 9/17 which are of similar shape and shorter than the teeth 11 of the base (see, FIGs. 3, 4

and lines 46-54 and lines 64-68) and are adapted to be within pockets 13 and be reciprocated therein (see, lines 68-70). A longitudinally disposed slot 22 is provided in the cutter 6 to be slidably retained in place on the base (see, lines 87-91). As clear from the length of the slot 22, the teeth 17 of the cutter 6 are completely overlapped by the teeth 11 of the guard 7 when reciprocating during operation (see, FIG. 3).

Similarly, Hanley discloses a shaving apparatus having a stationary cutting plate (15) with spaced teeth (24) and a reciprocating cutting plate (14) having spaced teeth (22) (see, Figs. 6, 7, 7a), wherein the moving teeth (22) are shorter in length than the stationary teeth (24). As shown in FIG. 7a, at one point in the reciprocating stroke, the movable teeth (22) are fully overlapped and covered by the fixed teeth (24) where the spaces between the fixed teeth (24) are fully open to receive hairs.

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Murran and Hanley. For example, Murran and Hanley does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "two cooperating cutting members that are movable relative to each other and that are each

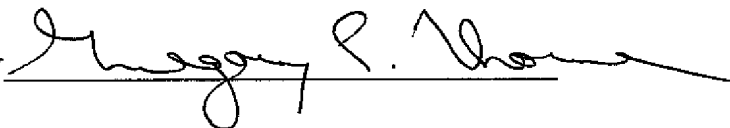
provided with cutting teeth that only partially overlap during operation of the shaving apparatus wherein edges of the cutting teeth cooperate and wherein a cutting opening is present between the cooperating edges of the cutting teeth for catching hairs, said cutting opening diverging when seen in a shaving direction of the apparatus, wherein a space remains between at least a portion of the cooperating edges such that the cutting openings are not entirely closed during operation of the apparatus" as recited in claim 1, and as similarly recited in claim 9. It is respectfully submitted that each of Murran and Hanley show a shorter cutting tooth that is completely overlapped by the longer cutting tooth during operation.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 9 are patentable over Murran and Hanley and notice to this effect is earnestly solicited. Claims 2-8 and 10-11 respectively depend from one of claims 1 and 9 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
July 9, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101